



12 AUG 2003

STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

In re Application of
BENZ, Willy *et al*
Application No.: 09/091,865
PCT No.: PCT/DE96/02240
Int. Filing Date: 22 November 1996
Priority Date: 09 March 1996
Attorney's Docket No.: 244
For: ELECTRICAL DEVICE

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

The decision is in response to applicants' "Petition to Withdraw Holding of Abandonment" filed 22 March 2000. No fee is required.

BACKGROUND

On 25 June 1998, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, an executed declaration.

On 24 November 1998, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. A one-month time period for response was set with extensions of time available.

On 03 November 1999, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to respond to the Form PCT/DO/EO/905 within the time period set.

On 22 March 2000, applicants filed the instant petition requesting to withdraw the holding of abandonment.

DISCUSSION

In the instant petition, applicants claim that the declaration submitted with the national stage papers on 24 November 1998 was properly executed and in compliance with 37 CFR 1.497(a) and (b). Moreover, counsel claims that he "telephoned the person who executed the Notification of Missing Requirements and indicated that in fact the papers which were filed did bear the complete signature of all of the inventors Thereafter, a message was left with this office indicating that the Notification of Missing

Requirements was to be considered as withdrawn."

A review of the above-captioned application file reveals that the declaration filed with the national stage papers on 25 June 1998 was in compliance with 37 CFR 1.497(a) and (b).

DECISION

Applicants' petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Form PCT/DO/EO/909 mailed 03 November 1999 is **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 November 1996, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 25 June 1998.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457